

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Dennis Lee Eckert, Jr.,

Case No.: 1:10-cv-674

Petitioner,

v.

Judge Michael R. Barrett

Warden, Lebanon Correctional Institution,

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“Report”) filed by Magistrate Judge Stephanie K. Bowman on November 14, 2011 (Doc. 27). Proper notice has been given to the parties under Rule 72(b) of the Federal Rules of Civil Procedure including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. (Doc. 27, 16); *see United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981). No objection has been filed.

Having reviewed this matter de novo, this Court finds the Report to be correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommends (Doc. 27, 15), it is **ORDERED** that that Petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED with PREJUDICE**. Because reasonable jurists would not disagree with this conclusion, and because any appeal would not be taken in good faith, any requested certificate of appealability is **DENIED**, and Petitioner is **DENIED** leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

s/Michael R. Barrett
United States District Judge